

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY COMMISSION :  
BUREAU OF INVESTIGATION AND ENFORCEMENT :

V.

LEBERT ATKINSON  
T/A CHAMBERSBURG CITY CAB  
562 BROAD STREET  
CHAMBERSBURG, PA 17201

DOCKET NO. C-2023-3038442

COMPLAINT

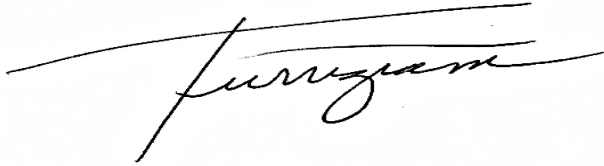
The Pennsylvania Public Utility Commission (Commission or PUC) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Lebert Atkinson, t/a Chambersburg City Cab, Respondent, maintains its principal place of business at 562 Broad Street, Chambersburg, PA 17201.
2. That Respondent was issued a certificate of public convenience by this Commission on December 15, 2004, at Docket No. A-00120808, for the transportation of persons in call or demand service in the county of Franklin, Pennsylvania, for compensation.
3. On January 21, 2020, Respondent filed an application to abandon/discontinue as a common carrier, by motor vehicle, the transportation of persons, in call or demand service in the County of Franklin for compensation, with the Commission, was received and on August 12, 2020, by Secretarial letter, the Commission granted Respondent's application.
4. On April 20, 2023, Pa PUC Enforcement Supervisor Timothy Troxell, in response to a complaint, contacted Lebert Atkinson by phone and requested to be picked up at Dick's Sporting Goods on Route 30 in Chambersburg, PA and transported to Shippensburg University, PA. Mr. Atkinson agreed to take Supervisor Troxell by taxi for compensation.
5. On April 20, 2023, Supervisor Troxell accompanied by Enforcement Officer Richard Gagliano arrived at the agreed location and initiated a traffic stop of the vehicle, a 2008 Chevrolet Impala, PA registration no. LDY30890, driven by Lebert Atkinson. A DVCR was performed and Supervisor Troxell informed Mr. Atkinson that to transport passengers intrastate, for hire, it was necessary for Mr. Atkinson to reapply for authority/certificate from the Pa PUC. Mr. Atkinson contested that he was not operating his vehicle as a taxi, however his vehicle was marked as "Chambersburg City Cab", with a light atop the vehicle, along with the number of his cancelled certificate of public convenience marked on the side of the vehicle. Further investigation revealed that Mr. Atkinson had at his home address an early 2000 Grand Marquis with taxi lettering.

6. That Respondent, by transporting persons between points in Pennsylvania for compensation while not having operating authority with this Commission, violated the Public Utility Code, 66 PA.C.S. §1101. The penalty for this violation is \$1,000.

WHEREFORE, the Bureau of Investigation and Enforcement hereby requests that the Commission fine Lebert Atkinson, t/a Chambersburg City Cab, the sum of one thousand dollars (\$1,000.00) for the illegal activity described in this Complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

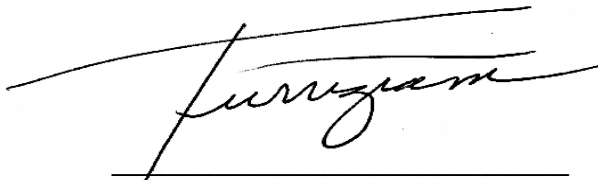
A handwritten signature in black ink, appearing to read "Turriziani", written over a horizontal line.

Andrew Turriziani, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

## VERIFICATION

I, Andrew Turriziani, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect that the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Date: 25 May 2023

A handwritten signature in black ink, appearing to read "Turriziani", written over a horizontal line.

Andrew Turriziani, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

## NOTICE

- A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code §1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified, and the original shall be mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

Or you may **eFile your Answer** using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
400 North Street, 3<sup>rd</sup> Floor  
Harrisburg, PA 17120

Or, **e-mailed to:** [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

- B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.
- C. You may elect not to contest this complaint by paying the fine proposed in this Complaint by certified check or money order. Payment must be made to the **Commonwealth of Pennsylvania** and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

- D. Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.
- E. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.

- F. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.
- G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.